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Attorneys for Defendant Manoah Ainuu

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BUTTE DIVISION**

JOHNATHAN TALBOT,
Plaintiff,

v.

MANOAH AINUU, and THE NORTH
FACE APPAREL CORP., A Delaware
Company,

Defendants.

Cause No. 2:23-CV-00066-BU-BMM
Hon. Brian Morris

NOTICE OF CROSS-APPEAL

TO THE CLERK OF COURT:

PLEASE TAKE NOTICE that Defendant Manoah Ainuu hereby cross-appeals to the United States Court of Appeals for the Ninth Circuit that portion of the Order entered in this case on March 1, 2024 denying Defendant Ainuu's Special Motion for Expedited Relief under Revised Code of Washington Section

4.105.020 and thereby rejecting Defendant Ainuu's request for attorneys' fees and costs thereunder. *See* ECF No. 38, at 10-12, 25(1) (the "March 1, 2024 Order").

The March 1, 2024 Order was incorporated into the final judgment entered by the Court on March 13, 2024. *See* ECF No. 39.

Defendant Ainuu's Representation Statement is attached to this Notice as required by Ninth Circuit Rule 3-2(b).

DATED this 3rd day of April, 2024.

GOETZ, GEDDES & GARDNER, P.C.

Attorneys for Defendant Manoah Ainuu



James H. Goetz
Jeffrey J. Tierney

REPRESENTATION STATEMENT

Pursuant to Ninth Circuit Rule 3-2(b), Defendant Manoah Ainuu identifies the following parties to this action, their counsel of record, and counsels' contact information.

1. Plaintiff-Appellant/Cross-Appellee Johnathan Talbot

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2. Defendant-Appellee/Cross-Appellant Manoah Ainuu

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3. Defendant-Appellee/Cross-Appellant VF Outdoor, LLC d/b/a The North Face

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of April, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record pursuant to the Local Rules.



Jeffrey J. Tierney